

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Applications of Comcast Corporation,)	MB Docket No. 10-56
General Electric Company)	
and NBC Universal, Inc.)	
)	
For Consent to Assign Licenses or)	
Transfer Control of Licensees)	
)	

ORDER

Adopted: June 17, 2010

Released: June 17, 2010

By the Chief, Media Bureau:

1. On March 18, 2010, the Commission released a Public Notice seeking comment on the applications of Comcast Corporation, General Electric Company, and NBC Universal, Inc. (collectively, the “Applicants”) to assign and transfer control of certain FCC licenses.¹ The March 18 Public Notice established the filing deadlines for pleadings in that matter, beginning with a May 3, 2010 deadline for the filing of comments and petitions to deny.² The Media Bureau subsequently suspended its review of the transaction, pending the Applicants’ submission of two additional economic reports conducted at the request of Commission staff.³ Once the Applicants had filed those reports, the pleading schedule was revised to specify the current deadlines: June 21, 2010 for filing comments and petitions to deny; July 21, 2010 for comments and oppositions; and August 5, 2010 for replies.⁴

2. On May 21, 2010, the Commission issued information requests to the Applicants. The Applicants timely filed their responses to these requests on June 11, 2010.

3. On June 14, 2010, Bloomberg, L.P., filed a Request for Extension of Time to File Petitions to Deny and Comments. Bloomberg asks the Commission to grant a 45-day extension of the

¹ *Commission Seeks Comment on Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign and Transfer Control of FCC Licenses*, Public Notice, 25 FCC Rcd 2651 (MB 2010).

² The original deadline for filing responses to comments and oppositions to petitions was June 2, 2010, and the deadline for filing replies to responses or oppositions was June 17, 2010. *Id.* at 5. On March 26, 2010, the Media Bureau denied a request for an extension of these deadlines. *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, Order, 25 FCC Rcd 3101 (MB 2010).

³ *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, Order, 25 FCC Rcd 3802 (MB 2010) (“*Suspension Order*”).

⁴ *Commission Announces Revised Pleading Schedule for Its Review of Applications of Comcast Corporation, General Electric Company, and NBC Universal, Inc., to Assign and Transfer Control of FCC Licenses*, Public Notice, 25 FCC Rcd 4407 (MB 2010).

pleading schedule.⁵ If granted, the new filing deadline for comments and petitions to deny would be August 5, 2010.⁶ Bloomberg argues that an extension is needed because there is insufficient time for interested parties to incorporate any meaningful observations and analyses of the Applicants' June 11 responses into their initial pleadings due on June 21st.⁷ Bloomberg contends that, without an extension, it would be impossible to comply with the Commission's instruction in this matter that parties raise all issues in those filings.⁸ Bloomberg analogizes the need for additional time to review the Applicants' June 11th submissions with the Commission's recognition of the need to provide interested parties with additional time to review the two additional economic reports it had requested of the Applicants. It maintains further that no party would be prejudiced by the grant of its requested extension.⁹ In an *ex parte* letter filed on June 16th, for the same reason, Free Press advocates that the filing deadlines be extended by 90 days.¹⁰

4. In an *ex parte* letter also filed on June 16, 2010, the American Cable Association ("ACA") echoes Bloomberg's concerns that there will be insufficient time for interested parties to incorporate the information from the Applicants' June 11th responses to the information requests into their pleadings due on June 21st.¹¹ In addition, ACA asks the Commission to revise its instruction that, after the close of the pleading cycle, parties and interested persons raising new issues based on new facts or newly discovered facts must do so within 15 days after discovering such facts.¹² ACA urges that this time frame should be expanded to at least 60 days.¹³

5. On June 15, 2010, the Applicants filed a Joint Opposition to the Bloomberg Request.¹⁴ They argue that an extension of the pleading schedule would be "inconsistent with the Commission's stated intentions and would be prejudicial to [the] Applicants."¹⁵ They note that the Commission rarely issues information requests prior to the close of the pleading cycle in a transaction review, as it did in this proceeding.¹⁶ They further state that they can find no previous example in which the Commission received the responses to an information request prior to the start of the pleading cycle and that, in those

⁵ Bloomberg Request for Extension of Time to File Petitions to Deny and Comments ("Bloomberg Request") at 1.

⁶ Pursuant to the *Bloomberg Request*, responses to comments and oppositions to petitions would be due September 4, 2010, and replies to responses or oppositions would be due September 19, 2010. *Id.*

⁷ *Id.* at 3-4.

⁸ *Id.* at 4-5. See *March 18 Public Notice* at 5.

⁹ *Bloomberg Request* at 5.

¹⁰ Letter from Corie Wright, Policy Counsel, Free Press, to William T. Lake, Chief, Media Bureau, FCC, MB Docket No. 10-56 (June 16, 2010) at 3.

¹¹ Letter from Barbara S. Esbin, Esquire, Cinnamon Mueller, Counsel for the American Cable Association, to William T. Lake, Chief, Media Bureau, FCC, MB Docket No. 10-56 (June 16, 2010) ("ACA *Ex Parte* Letter") at 1-2.

¹² *Id.* at 2. See *March 18 Public Notice* at 5.

¹³ ACA *Ex Parte* Letter at 2.

¹⁴ Applicants' Joint Opposition to Request for Extension of Time to File Petitions to Deny and Comments (June 15, 2010) ("Opposition").

¹⁵ *Id.* at 1-2.

¹⁶ *Id.* at 2-3.

cases in which such a response was received after the close of the pleading cycle, the Commission did not establish new comment periods.¹⁷ The Applicants argue that the Media Bureau's early issuance of the information requests in this case cannot logically be a reason for further delay.¹⁸ They further assert that parties have had ample time to formulate their positions, given the abundance of information concerning the proposed transaction that the Applicants have made publicly available through their applications and Public Interest Statement filed over four months ago, their three economic reports and other Commission filings, and five congressional hearings.¹⁹

6. On June 16, 2010, Bloomberg filed a Reply to the Applicants' Joint Opposition.²⁰ The Bloomberg Reply reiterates the claim that Bloomberg cannot review the materials filed by the Applicants on June 11 by the June 21st filing deadline. Bloomberg asserts that "[t]he public interest. . . will be prejudiced by the hurried and forced review of thousands of pages in comments and petitions to deny by the current deadline."²¹

7. We agree with the Applicants that the schedule for the information requests is not, and should not be, tied to the timing of the pleading cycle. Our intent in issuing those requests early in this proceeding was to expedite our review, not to create delay. Moreover, we anticipate that the issues raised in the pleadings filed on June 21st will help us focus our review of the Applicants' responses to our information requests.

8. We disagree with Bloomberg that the Applicants' responses to our information requests are analogous to the additional economic studies requested by Commission staff, which precipitated the extension of the filing deadlines. Commission staff requested the additional economic reports consistent with its objective that issues be identified early in the proceeding.²² Our information requests, by contrast, were intended to solicit concrete and empirical data and information that can be used to analyze and evaluate those identified issues. Because these two types of requests to the Applicants are different in terms of purpose, scope, and timing, they should not be treated similarly with respect to the timing of the pleading cycle.

9. We agree with the Applicants that interested parties have had sufficient time to identify their potential concerns and frame any issues that they wish to raise and relief that they wish to propose. In the *ex parte* meetings that many of those parties already have held with Commission staff, such parties generally have been able to articulate their areas of concern without the benefit of having reviewed the Applicants' June 11th submissions.²³ We are not persuaded that additional time is needed for parties to

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 3-4.

²⁰ Bloomberg Reply to Joint Opposition to Request for Extension of Time to File Petitions to Deny and Comments (June 16, 2010) ("Bloomberg Reply").

²¹ *Id.* at 3.

²² *Suspension Order* at 1.

²³ For example, in a recent *ex parte* meeting with Commission staff, Bloomberg identified three areas in which it has concerns about the proposed transaction: (1) channel placement; (2) access to Internet content; and (3) dispute resolution of discrimination claims. At the meeting, it also suggested specific conditions and Commission actions to mitigate those concerns. Letter from Stephen Diaz Gavin, Esquire, Patton Boggs, LLP, Counsel for Bloomberg, L.P., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 10-56 (June 15, 2010).

identify the issues, which, as we have noted, should be raised in initial petitions or comments in order to allow their full ventilation by all interested parties.²⁴ In this regard, Bloomberg is mistaken in arguing in its Reply that, because “[t]he Commission has explicitly directed public comments to address all substantive matters up front,” this proceeding is “atypical.”²⁵ To the contrary, the Commission’s admonition to petitioners and commenters to raise all issues in their initial filings was not “atypical:” it reflects the longstanding requirement in Section 1.45(c) of the Commission’s Rules that, to allow the target of a petition to deny the opportunity to respond to all allegations against it, a “reply shall be limited to matters raised in the opposition. . . .”²⁶

10. We find Bloomberg’s contention in its Reply that it “will not have a later opportunity to address the filing information because the Commission prohibited raising new issues on reply” to be similarly be without merit.²⁷ Under the current pleading schedule, should the review of the materials submitted by the Applicants on June 11th by a petitioner or a commenter provide additional support for an issue that the filer has timely raised in its June 21st submission, it will have the full opportunity to discuss that information in its reply or, consistent with Commission practice, if that is not possible, by filing a supplement to its petition, comments or reply.²⁸ And, as noted in the *March 18 Public Notice*, in the unlikely event that a petitioner or commenter’s review of the Applicants’ June 11th submissions prompt additional issues that the petitioner or commenter could not have timely raised in its petition to deny or comments by the June 21st filing deadline, with an appropriate showing it may avail itself of the “good cause” exception to the Commission’s instruction that all issues be raised in initial pleadings.²⁹

11. Thus, as a final matter, with respect to ACA’s request to expand the time allowed for the introduction of new issues after the close of the pleading cycle based on new facts or newly discovered facts, we decline to revise the current 15-day deadline. We clarify, however, that the 15-day period begins after the amount of time it would take a reasonable person to complete a diligent review of a submission of new information. This will avoid, for example, a number of piecemeal requests based on new information discovered in a large filing, such as a response to a Bureau information request. Particularly in light of the Commission’s desire to conduct its review in an orderly and efficient manner, we see no reason at this time to make a blanket extension of the current deadline.³⁰

²⁴ *Suspension Order* at 1.

²⁵ *Bloomberg Reply* at 2.

²⁶ 47 C.F.R. § 1.45(c); *see also March 18 Public Notice* at 5, n. 34.

²⁷ *Bloomberg Reply* at 2-3.

²⁸ The August 5, 2010, reply filing deadline provides exactly the additional 45 days for such review sought by Bloomberg in its *Request*.

²⁹ *See March 18 Public Notice* at 5 (“A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously.”). As noted *supra*, this requirement reflects the pleading requirements contained in Section 1.45(c) of the Rules.

³⁰ We recognize that, in certain circumstances, parties may require more time to analyze new or newly discovered facts and to prepare their filings raising new issues. In such cases, a party may request an extension of the 15-day good cause time period and state the reasons why a particular exception is warranted.

12. Accordingly, the Request for Extension of Time to File Petitions to Deny and Comments of Bloomberg, L.P., in the above-captioned matter is hereby DENIED. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's Rules.³¹

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

³¹ 47 C.F.R. § 0.283.